



FACILITY COMPLIANCE INSPECTION REPORT

Division of Waste Management Solid Waste Section

UNIT TYPE:											
Lined MSWLF		LCID	X	YW		Transfer		Compost		SLAS	COUNTY: Durham PERMIT NO.: 32-F FILE TYPE: COMPLIANCE
Closed MSWLF		HHW		White goods		Incineration		T&P	X	FIRM	
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

Date of Site Inspection: July 10, 2013 **Date of Last Inspection:** July 12, 2012

FACILITY NAME AND ADDRESS:

Fogleman and Fogleman Landfill and Recycling Facility – LCID Landfill and Processing Facility
 4005 Intermere Road
 Durham, NC 27704

GPS COORDINATES: N: 36.05502 E: -78.81176

FACILITY CONTACT NAME AND PHONE NUMBER:

Jay Fogleman, Manager w. 919-682-0068 c. 919-795-4386 f. 919-682-0662 jay.fogleman@frontier.com	Linda Fogleman, Secretary/Treasurer c. 919-795-4388 lfogle@frontier.com
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FACILITY CONTACT ADDRESS:

Linda Fogleman, Secretary/Treasurer
 Fogleman and Fogleman Soils, Inc.
 4005 Intermere Road
 Durham, NC 27704

PARTICIPANTS

John Patrone, Environmental Senior Specialist - Solid Waste Section (SWS)
 Jay Fogleman, Manager - Fogleman and Fogleman Soils, Inc.

STATUS OF PERMIT:

Permit To Operate (PTO) issued March 27, 2012
 Permit To Construct (PTC) issued in conjunction with PTO
 PTO expiration date December 19, 2016

PURPOSE OF SITE VISIT:

Comprehensive Inspection

STATUS OF PAST NOTED VIOLATIONS:

None

OBSERVED VIOLATIONS

None

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The item(s) listed above were observed by Section staff and require action on behalf of the facility in order to come into or maintain compliance with the Statutes, Rules, and/or other regulatory requirements applicable to this facility. Be advised that pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or Order under Article 9 of Chapter 130A of the N.C. General Statutes. Further, the facility and/or all responsible parties may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

ADDITIONAL COMMENTS

On July 10, 2013, John Patrone met with Jay Fogleman to conduct a comprehensive inspection of the Fogleman and Fogleman Landfill and Recycling Facility – LCID Landfill and Processing Facility on Intermere Road in Durham, Durham County.

1. The permit to operate (PTO) is for a land clearing and inert debris (LCID) landfill and recycling facility (processing facility).
2. The permit to construct (PTC) is for the LCID processing operation consisting of materials recovery (landfill mining, screening, grinding, storage, and the reintroduction of overs and/or additional fill material), rock and concrete crushing, and land clearing debris (LCD)/untreated and unpainted wood grinding.
3. The facility also conducts (used) asphalt screening, offsite soil storage, firewood log collection, and scrap metal collection/storage.
4. The facility conducted a pre-operational meeting for the LCID processing operation on August 8, 2012.
5. Mr. Fogleman stated that the LCID processing operation has not commenced to date.
6. The LCID processing operation (storage of unprocessed and processed material and equipment) may be conducted atop the landfill cap/within the landfill footprint. Stockpiles should not exceed 10 feet in height. The minimum buffer between stockpiles and process equipment should be 20 feet.
7. Adequate fire breaks should be maintained between waste received and product stored.
8. The facility permit, operations plan, and site plan were discussed.
9. The facility is in operation Monday through Friday from 7:00 am – 5:00 pm.
10. In addition to the permit, the facility must conform to the operational requirements of the North Carolina Solid Waste Management Rules, 15A North Carolina Administrative Code (NCAC) 13B .0566 and the facility operational plan.
11. The LCID landfill is permitted to occupy ~ 38.7 acres. Mr. Fogleman stated that ~ 25 acres has been used for fill material.
12. The LCID landfill is permitted for a total gross capacity of 4,116,000 yd³.
13. The facility is permitted to receive land clearing waste, inert debris, yard trash, used asphalt, uncontaminated soil, and untreated and unpainted wood.
14. The facility is permitted to receive wooden pallets for processing only.
15. Segregated loads of low carbon nitrogen ratio material should not be received for processing.
16. A majority of the LCID deemed acceptable for processing must be processed and then used or sold within one year.
17. Permanent edge of waste markers have been installed (green metal stake with ribbon).
18. The facility has a NCDENR-Division of Water Quality (DWQ) National Pollutant Discharge Elimination System - General Permit (No. NCG020000, exp. 12/31/14) and a NCDENR – Division of Land Resources (DLR) mining activity/borrow pit permit (No. 32-09, exp. 01/14/21).
19. A surety bond has been posted for mining permit 32-09 and is considered acceptable as the financial assurance requirement for the solid waste facility permit 32-F.
20. Side slope final contour must not exceed a ratio of three horizontal feet to one vertical foot (3:1).
21. Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
22. Mr. Fogleman stated that the LCID material is frequently covered with \geq one foot of soil. The landfill is constructed in tiered sections. Material is built-up, spread-out (pushing it laterally across and down the side slope), and covered with soil.
23. Mr. Fogleman stated that horizontal benches will be constructed along much of the landfill side slope, creating smaller lifts for ease of operation and maintenance.

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24. The erosion rill on the north side slope/rear of the landfill shall be repaired and LCD adequately covered with soil.
25. The area of exposed LCD on the east side slope/right rear of the landfill shall be adequately covered with soil.
26. Ensure the area of inert debris deposited on the west side slope/left rear is adequately covered with soil.
27. The landfill cap contains vegetative material. Vegetative material should be routinely mowed.
28. Woody vegetation should be removed from the landfill cap.
29. The facility multiplies the number and type of vehicles received by an estimated capacity (yd³) for each vehicle type to obtain the amount of LCID material accepted: pickup = 1, single axle = 5, tri-axle = 8, quad-axle = 11, dumpster = 14, small trailer = 18 and large trailer = 25.
30. Mr. Fogleman stated that the facility receives ~ 65 trucks a day and that material is generally from Durham County.
31. The facility maintains records of the amount of LCID material received. Daily disposal tickets (company, origin of material, job number, etc.) are kept on file. Records were verified for July 2012 through June 2013: 179,563 yd³ of material was received and 8,181 yd³ of offsite soil was sold (equating to a total of 21,599 vehicles, in and out).
32. The facility annual report (FAR) dated July 2, 2012 was received by SWS. Material received July 1, 2011 through June 30, 2012 is ~ 2,801 yd³ a week or ~ 145,652 yd³ a year.
33. The facility conducts random soil screening of offsite soil received to minimize the possibility of accepting potentially contaminated soil. A soil grab sample is sealed in a clear plastic bag and placed in the sun for ~ 10 minutes. Per the prescribed ratings chart, the corresponding odor determines if the facility will accept or reject the offsite soil load. A logbook record was reviewed for February through early July 2013.
34. The facility sorts-out logs for firewood. Firewood logs are brought to the toe of the south slope/front of landfill. Mr. Fogleman stated that the firewood logs are routinely removed (third party hauls-off to cut/chop and sell). It is recommended that an adequate fire break be maintained between landfill operations and stored firewood logs.
35. A few logs are stored atop the landfill (currently inactive area) to use as truck boundary markers when the fill area is in use.
36. The firewood log operation should be included in the facility operations plan when it is modified/renewed.
37. The Redwood Volunteer Fire Department will address an emergency at the facility.
38. The facility has all-weather access roads.
39. The facility is secured by a locked gate.
40. The facility has proper signage.
41. The permit expiration date is December 19, 2016.
42. Permit renewal application shall be submitted to the SWS by September 19, 2016

Please contact me if you have any questions or concerns regarding this inspection report.



John Patrone
Environmental Senior Specialist
Regional Representative

Phone: 336-771-5095 Fax: 336-771-4631

Sent on: <u>July 12, 2013</u>	<input checked="" type="checkbox"/>	Email	<input type="checkbox"/>	Hand delivery	<input type="checkbox"/>	US Mail	Certified No. <input type="checkbox"/>
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Copies: Jason Watkins, Western District Supervisor
Sarah Rice, Compliance Officer
Pat Backus, Environmental Engineer
Jay Fogleman, Manager - Fogleman and Fogleman Soils, Inc.

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Digital pictures taken July 10, 2013
by John Patrone, DWM-SWS

West side slope/left rear of landfill
(inert debris to cover with soil)



North side slope/rear of landfill (erosion rill to repair
and LCD to cover with soil)



East side slope/right rear of landfill
(LCD to cover with soil)



South side slope/front of landfill (current working face
stored firewood logs at toe of slope)

